

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 572**

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**Introduced by Assembly Member Brownley**

February 25, 2009

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An act to add ~~Sections 47604.1 and 47610.3~~ *Section 47604.1* to the Education Code, relating to charter schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 572, as amended, Brownley. ~~Charter schools: governing boards: schools.~~

(1) *The Ralph M. Brown Act requires that all meetings of a legislative body, as defined, of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body.*

*This bill would expressly state that a charter school is subject to the Ralph M. Brown Act, unless it is operated by an entity governed by the Bagley-Keene Open Meeting Act, in which case the school would be subject to the Bagley-Keene Open Meeting Act.*

(2) *The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless they are exempt from disclosure.*

*This bill would expressly state that a charter school is subject to the California Public Records Act.*

(3) Existing law prohibits certain public officials, including, but not limited to, members of governing boards of school districts and citizens' oversight committees, from engaging in specified activities that are inconsistent or incompatible with, or inimical to, their duties as public officials, including, but not limited to, entering into a contract in which the official or the official's family member has a financial interest, as specified.

This bill would expressly state that a charter school is subject to these provisions.

(4) The Political Reform Act of 1974 requires every state agency and local government agency to adopt a conflict of interest code, formulated at the most decentralized level possible, that requires designated employees of the agency to file statements of economic interest disclosing any investments, business positions, interests in real property, or sources of income that may foreseeably be affected materially by any governmental decision made or participated in by the designated employee by virtue of his or her position.

This bill would expressly state that a charter school is subject to the Political Reform Act.

(5) Existing law requires a member of the governing board of a school district to abstain from voting on personnel matters that uniquely affect a relative of the member.

This bill would require a member of the governing body of a charter school to abstain from voting on any matter affecting his or her own employment or any personnel matter that uniquely affects a relative of the member.

~~(1) Existing law prohibits certain public officials, including, but not limited to, members of governing boards of school districts and citizens' oversight committees, from engaging in specified activities that are inconsistent or incompatible with, or inimical to, their duties as public officials, including, but not limited to, entering into a contract in which the official or the official's family member has a financial interest, as specified.~~

~~The Charter Schools Act of 1992 authorizes the establishment of charter schools to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning.~~

~~This bill would require the governing board of a charter school to adopt and comply with a conflict-of-interest policy that includes, but is not necessarily limited to, adherence to specified requirements set~~

forth in existing law. The bill would require a member of the governing board of a charter school to abstain from voting on all matters affecting his or her own employment and on personnel matters uniquely affecting a relative of the member, as defined, but would authorize a member to vote on matters that affect a class of employees to which the relative belongs.

~~(2) Existing law requires a charter school to comply with the laws specifically governing charter schools and with its charter, and otherwise exempts charter schools from the laws governing school districts, except as specified.~~

~~This bill would require the governing board of a charter school that is not operated by a state agency to comply with the Ralph M. Brown Act and would require the governing board of a charter school that is operated by a state agency to comply with the Bagley-Keene Open Meeting Act. The bill would require all charter schools to comply with the California Public Records Act.~~

~~(3) By requiring charter schools to perform additional duties, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature in enacting this
- 2 act to do all of the following:
- 3 (a) Establish conflict-of-interest policies for charter school
- 4 governing boards that mirror existing conflict-of-interest policies
- 5 followed by school district governing boards.
- 6 (b) Provide transparency in the operations of the many charter
- 7 schools that are providing quality educational options for parents
- 8 and pupils and renew the faith of parents and the community that
- 9 their local charter school is acting in the best interests of pupils.

(c) Continue to provide greater autonomy to charter schools than traditional public schools and provide greater transparency to parents and the public with regard to the use of public funds by charter school governing boards for the educational benefit of their pupils.

(d) *Establish standards and procedures consistent with the Charter Schools Act of 1992 to avoid conflicts of interest in charter schools.*

SEC. 2. Section 47604.1 is added to the Education Code, to read:

~~47604.1. (a) It is the intent of this section to establish standards and procedures consistent with the Charter Schools Act of 1992 to avoid conflicts of interest in charter schools.~~

~~(b) Notwithstanding any other provision of law, the governing board of a charter school shall adopt and comply with a conflict-of-interest policy. The policy shall include, but is not necessarily limited to, the requirement that members of the governing board of the charter school abide by Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code and Chapter 7 (commencing with Section 87100) of Title 9 of the Government Code.~~

47604.1. (a) A charter school is subject to all of the following:

(1) *The Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), except that a charter school operated by an entity governed by the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) is subject to the Bagley-Keene Open Meeting Act.*

(2) *The California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).*

(3) *Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code.*

(4) *The Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).*

~~(e)~~

(b) A member of the governing ~~board~~ body of a charter school shall abstain from voting on all matters affecting his or her own employment.

~~(d)~~

(c) A member of the governing ~~board~~ *body* of a charter school shall abstain from voting on personnel matters that uniquely affect a relative of the member but may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. For purposes of this section, “relative” means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

~~(e)~~

(d) A person shall be disqualified from serving on the governing board of a charter school if the person *who* is disqualified by the California Constitution or laws of the state from holding a civil office *shall not serve on the governing body of a charter school*.

SEC. 3. ~~Section 47610.3 is added to the Education Code, to read:~~

~~47610.3. (a) Unless otherwise specified in this section, the governing board of a charter school shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).~~

~~(b) The governing board of a charter school operated by a state agency shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~(c) A charter school shall comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).~~

SEC. 4. ~~If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~